DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/11 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 48-50 are rejected under 35 U.S.C. 101 because the claims are directed to a computer readable medium. The specification does not explicitly define what the medium is and does not exclude the possibility that the medium can be a carrier wave. The examiner must give the claim the broadest reasonable interpretation thus the claimed medium is broadly interpreted to read on a carrier wave which is directed to non-statutory subject matter.

Claim Objections

4. Claim 31, 41 and 48 objected to because of the following informalities:

These claims 31, 41 and 48 recite, "the phonebook application" even though there was prior reference to "a phone application" and no prior reference to "a phonebook application". The examiner believes that "a phone application" should be changed to "a phonebook application" for consistency purpose. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 31-33, 35-36,38-43, 45-46 and 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over **Griffin** (US 20040015547) in view of **Mathis** (US 20030119540).

Regarding claim 31, Griffin teaches a method, comprising:

specifying, via a phone application resident on a user device, one or more subscribers from a list stored on the user device (Fig. 10 shows multiple subscribers can be dynamically selected which is indicated by the darkened square icons 906, "To partially select a group, a user can start by selecting a group then deselecting one or more member. Alternatively, a user can start with an unselected group and select one or more members.", [0050]);

initiating establishment of an ad-hoc group call with the user device and one or more subscriber devices associated with the one or more subscribers ("If there is at least one buddy selected, single-clicking or click-holding the right softkey begins to compose a message for a new thread to the selected buddies... If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]);

However, Griffin does not explicitly teach to store presence information of the subscribers in the phonebook application. In an analogous art, Mathis teaches determining to store presence information of the subscribers in the phonebook application ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110… Information about the user and/or client device 102, 104, 106, 108 may be associated with each entry including, but not limited to, presence information such as online status", [0013]). Therefore, it would have been obvious for one skill in the art to combine Griffin's teaching of group talk to also include Mathis' teaching of storing the presence information of the subscribers in the phonebook to allow users to track the availability of other users easily ([0013]).

Regarding claim 32, Mathis and Griffin teach the method of claim 31, further comprising: causing, at least in part, transmission of a request for the ad-hoc group call to a group communication service via a network for signaling the one or more subscribers ("If the user pushes-to-talk, the display switches to the chat history, and the user is able to

record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]);

Regarding claim 33, Mathis and Griffin teach the method of claim 32, further comprising: causing, at least in part, transmission of a media item, a media item request, or a combination thereof to the group communication service each time a talk activity is detected or indicated at the user device, the one or more subscriber devices, or a combination thereof during the ad hoc group call (Mathis "pushes-to-talk requesting to record and transmit speech and when the system grants the user access to do so. Preferably, the recording indicator 1201 is an icon that changes its appearance (e.g., color or graphic symbol) to indicate when the user has and or loses speech recording/transmitting access.", [0062]).

Regarding claim 35, Mathis and Griffin teach the method of claim 31, further comprising: causing, at least in part, rendering at the user device a presentation of a group communications menu based, at least in part, on the one or more subscribers ("If there is at least one buddy selected, single-clicking or click-holding the right softkey begins to compose a message for a new thread to the selected buddies.", [0049];

and receiving another user selection of one or more operation options in the group communications menu for establishing the ad-hoc group call ("If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.",[0049]).

Regarding claim 36, Mathis and Griffin teach the method of claim 31, further comprising: receiving user selection of a predetermined button for establishing the ad-hoc group call without further user intervention ("At step 430, the user presses the push-to-talk button or otherwise indicates intent to invoke the dispatch group call service. At step 440, the control function processes the service request and performs the necessary actions including, but not limited to, assigning resources and allocating radio channels, to setup the group call service. At step 450, the availability of the service is indicated to the user and the user begins to talk.", [0018] Mathis).

Regarding claim 38, Mathis and Griffin teach the method of claim 31, wherein the ad-hoc group call includes data communication, audio communication, video communication (If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]), multimedia communication, messaging, or a combination thereof.

Regarding claim 39, Mathis and Griffin teach the method of claim 31, further comprising: causing, at least in part, rendering a list of the one or more subscribers and the presence information of the one or more subscribers at the user device ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110… Information about the user and/or client device 102, 104, 106, 108 may be associated with each entry including, but not limited to, presence information such as online status", [0013], Mathis).

Regarding claim 40, Mathis and Griffin teach the method of claim 39, wherein the presentation further includes a subject of the ad-hoc group call, context, a location, a time zone, a user device status (Mathis, presence/status [0013]), or a combination thereof.

Regarding claim 41, Mathis and Griffin teaches an apparatus that perform the method of claim 1. Mathis further teaches at least one processor (311 CPU, Fig. 3);

and at least one memory including computer program code for one or more programs ("an application storage (or memory) 310", [0031] and executed (or run) on a central processing unit (CPU) 211", [0031]), the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform the steps addressed in claim 1 above ("an application storage, or memory, 310 and executed on a central processing unit, CPU 211", [0031]; see claim 1 rejection above).

Regarding claim 42, Mathis and Griffin teach the apparatus of claim 41, wherein the apparatus is further caused to:

cause, at least in part, transmission of a request for the ad-hoc group call to a group communication service via a network for signaling the one or more subscribers ("If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]);

Regarding claim 43, Mathis and Griffin teach the apparatus of claim 42, wherein the apparatus is further caused to:

cause, at least in part, transmission of a media item, a media item request, or a combination thereof to the group communication service each time a talk activity is

detected or indicated at the user device, the one or more subscriber devices, or a combination thereof during the ad hoc group call(Mathis "pushes-to-talk requesting to record and transmit speech and when the system grants the user access to do so. Preferably, the recording indicator 1201 is an icon that changes its appearance (e.g., color or graphic symbol) to indicate when the user has and or loses speech recording/transmitting access.", [0062]).

Regarding claim 45, Mathis and Griffin teach the apparatus of claim 41, wherein the apparatus is further caused to:

cause, at least in part, rendering at the user device a presentation of a group communications menu based, at least in part, on the one or more subscribers ("If there is at least one buddy selected, single-clicking or click-holding the right softkey begins to compose a message for a new thread to the selected buddies.", [0049];

and receive another user selection of one or more operation options in the group communications menu for establishing the ad-hoc group call ("If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.",[0049]).

Regarding claim 46, Mathis and Griffin teach the apparatus of claim 41, wherein the apparatus is further caused to:

receive user selection of a predetermined button for establishing the ad-hoc group call without further user intervention ("At step 430, the user presses the push-to-talk button or otherwise indicates intent to invoke the dispatch group call service. At step 440, the control function processes the service request and performs the necessary actions including, but not limited to, assigning resources and allocating radio channels, to setup

the group call service. At step 450, the availability of the service is indicated to the user and the user begins to talk.", [0018], Mathis).

Regarding claim 48, Griffin teaches the computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps (chat software, [0023]):

specifying, via a phone application resident on a user device, one or more subscribers from a list stored on the user device (Fig. 10 shows multiple subscribers can be dynamically selected which is indicated by the darkened square icons 906, "To partially select a group, a user can start by selecting a group then deselecting one or more member. Alternatively, a user can start with an unselected group and select one or more members.", [0050])

initiating establishment of an ad-hoc group call with the user device and one or more subscriber devices associated with the one or more subscribers ("If there is at least one buddy selected, single-clicking or click-holding the right softkey begins to compose a message for a new thread to the selected buddies... If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]);

However, Griffin does not explicitly teach to store presence information of the subscribers in the phonebook application. In an analogous art, Mathis teaches determining to store presence information of the subscribers in the phonebook application ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110…

Information about the user and/or client device 102, 104, 106, 108 may be associated with each entry including, but not limited to, presence information such as online status", [0013]). Therefore, it would have been obvious for one skill in the art to combine Griffin's teaching of group talk to also include Mathis' teaching of storing the presence information of the subscribers in the phonebook to allow users to track the availability of other users easily ([0013]).

Regarding claim 49, Mathis and Griffin teach the computer-readable storage medium of claim 48, wherein the apparatus is caused to further perform:

causing, at least in part, transmission of a request for the ad-hoc group call to a group communication service via a network for signaling the one or more subscribers ("If the user pushes-to-talk, the display switches to the chat history, and the user is able to record and transmit a speech message and consequently start a new thread with the selected buddies.", [0049]);

7. Claim **34 and 44** rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis** (US Patent Number 2003/0119540) in view of **Griffin** (US 20040015547) further in view of **Lopponen** (US Pub. 2002/0150091).

Regarding claim 34, Mathis and Griffin teach the method of claim 33, except wherein the media item, the media item request, or the combination thereof is transmitted based, at least in part, on one or more settings defined in user plane functions.

In an analogous art, **Lopponen** teaches a push-to-talk method that sends speech item/packet based on settings defined in the user-plane functions ([0170] The user has to send all his user plane traffic to the U-UPF 20 assigned to him by his U-CPF 22, and in case the traffic is destined to a group then the specific

port number associated by the U-UPF 20 with the group is used for traffic identification purposes. [0199] In order to better describe how group calls are managed on the user plane, an example will now be illustrated. The current group's speaker sends his audio packet to his U-UPF 20 that checks the packet and forwards it to the group's G-UPF 21.)

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine said references' teaching of PTT with Loppen's teaching of sending speech traffic over the user-plane and sending call-setting signals using the control plane functions so that logical connections can be preset and thus connection set-up time can be shortened (Lopponen, [0012]).

Regarding claim 44, Mathis and Griffin teach the apparatus of claim 33, except wherein the media item, the media item request, or the combination thereof is transmitted based, at least in part, on one or more settings defined in user plane functions. In an analogous art, **Lopponen** teaches a push-to-talk method that sends speech item/packet based on settings defined in the user-plane functions ([0170] The user has to send all his user plane traffic to the U-UPF 20 assigned to him by his U-CPF 22, and in case the traffic is destined to a group then the specific port number associated by the U-UPF 20 with the group is used for traffic identification purposes. [0199] In order to better describe how group calls are managed on the user plane, an example will now be illustrated. The current group's speaker sends his audio packet to his U-UPF 20 that checks the packet and forwards it to the group's G-UPF 21.) Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine said

references' teaching of PTT with Loppen's teaching of sending speech traffic over the user-plane and sending call-setting signals using the control plane functions so that logical connections can be preset and thus connection set-up time can be shortened (Lopponen, [0012]).

8. Claim **37**, **47 and 50** rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis** (US Patent Number 2003/0119540) in view of **Griffin** (US Pub. 20040015547) further in view of **Fischell** (US 5394463).

Regarding claim 37, Mathis and Griffin teach the method of claim 31, further comprising: determining to store the specification of the subscribers in the phonebook application ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110… Information about the user and/or client device 102, 104, 106, 108 may be associated with each entry including, but not limited to, presence information such as online status", [0013]). However, he does not specifically teach deleting the specification of the subscribers from the phonebook application when the ad-hoc group-call ends. However, in an analogous art, Fischell teaches when a call connection is terminated, then the trigger which stimulates the entry of the program at block 700 will be a controlling processor request to terminate (clear) the associated call connection. The program then proceeds to block 709 where it erases all information pertaining to the call from its associated memory (C9 L11-21). Therefore, it would have been obvious for one of ordianary skill in the art at the time of the invention to combine said references with Fischell's of erasing all the information pertaining to the call which would also include the specification of the callee as a way to manage or organize the memory.

Regarding claim 47, Mathis and Griffin teach the apparatus of claim 41, wherein the apparatus is further caused to:

determining to store the specification of the subscribers in the phonebook application ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110… Information about the user and/or client device 102, 104, 106, 108 may be associated with each entry including, but not limited to, presence information such as online status", [0013]). However, he does not specifically teach deleting the specification of the subscribers from the phonebook application when the ad-hoc group-call ends. However, in an analogous art, Fischell teaches when a call connection is terminated, then the trigger which stimulates the entry of the program at block 700 will be a controlling processor request to terminate (clear) the associated call connection. The program then proceeds to block 709 where it erases all information pertaining to the call from its associated memory (C9 L11-21). Therefore, it would have been obvious for one of ordianary skill in the art at the time of the invention to combine said references with Fischell's of erasing all the information pertaining to the call which would also include the specification of the callee as a way to manage or organize the memory.

Regarding claim 50, Mathis and Griffin teach the computer-readable storage medium of claim 48, wherein the apparatus is caused to further perform:

determining to store the specification of the subscribers in the phonebook application ("client software stored by the client devices that offer the ability to track and display the presence status of groups and other users connected to the communication network 110… Information about the user and/or client device 102, 104, 106, 108 may be associated

with each entry including, but not limited to, presence information such as online status", [0013]). However, he does not specifically teach deleting the specification of the subscribers from the phonebook application when the ad-hoc group-call ends. However, in an analogous art, Fischell teaches when a call connection is terminated, then the trigger which stimulates the entry of the program at block 700 will be a controlling processor request to terminate (clear) the associated call connection. The program then proceeds to block 709 where it erases all information pertaining to the call from its associated memory (C9 L11-21). Therefore, it would have been obvious for one of ordianary skill in the art at the time of the invention to combine said references with Fischell's of erasing all the information pertaining to the call which would also include the specification of the callee as a way to manage or organize the memory.

Response to Arguments

Applicant's arguments with respect to claims 31-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571)272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamran Afshar can be reached on (571) 272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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